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(R7)

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/295,212	04/21/99	MELLARDO	J MELLARDO-1
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MMC2/0719

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EXAMINER

MAYO III, W

ART UNIT

PAPER NUMBER

2831

DATE MAILED: 07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/295,212	Applicant(s) JOHN MELLARDO	
	Examiner William H. Mayo III	Art Unit 2831	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Objections

2. Claims 1-9 are objected to because of the following informalities: Claim 1, lines 3 recites the terms "a conduit for the conduct of an energized fluid therethrough" which is improper grammar. The applicant should correct the terms to recite proper grammar. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 1 recites the limitation "the conduct" in line 3. There is insufficient antecedent basis for this limitation in the claim because there has not been any previous reference to a conduct in previous lines of the claim.

6. Claim 1 recites the limitation "said plurality" in lines 5-6 which is confusing and renders the claim indefinite. It is unclear whether the applicant is referring to the previous mentioned plurality of power cables or introducing a new plurality of another limitation.

7. Claim 3 recites the limitation "said bridging means" in line 2. There is insufficient antecedent basis for this limitation in the claim because there has not been any previous reference to a bridging means in previous lines of the claim.

8. Claim 7 recites the limitation "said plurality" in line 2 which is confusing and renders the claim indefinite. It is unclear whether the applicant is referring to the previous mentioned plurality of power cables or introducing a new plurality of another limitation.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-4 and 7-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Todd (Pat Num. 3,280,908). Todd disclose an apparatus (i.e. cable arrestor, Figs 1-12) in combination with an energized-fluid conduit (82-ie sleeves) which houses conduits (30-Fig 2A) for transporting the energized fluid conduit (Col. 3, lines 6-8); a plurality of power cables (70-Fig 2C) confined within the conduit (82) and means (90-Fig 5)

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removable fixed to the conduit (82-Fig 1) for holding the power cables (70) in a spaced apart disposition across the conduit (82). With respect to claims 2-3 & 7, the means (90) comprises a surface (i.e. platform-Fig 3) and a bridging means (i.e. notches) which extend across an intermediate portion of the conduit and engage the conduit (Fig 1) while providing the cables (70) with strain relief. With respect to claim 4, the bridging means (90) comprises a plurality of pipes (just above 106 in Fig 2D) which are inserted in a plurality of apertures (indicated at 162 & 164) in the platform (surface of 90-Fig 5) and brackets (28 & 82) for removable fixing the platform across the conduit (82-Fig 1). With respect to claim 8, there exist a means in the form of control devices for energizing the fluid with the conduit (82) and wherein the cables (70) are coupled to the control devices (Col. 4, lines 60-70).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 5-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd (Pat Num. 3,280,908). Todd disclose an apparatus (i.e. cable arrestor, Figs 1-12) in combination with an energized-fluid conduit (82-ie sleeves) which houses conduits (30-Fig 2A) for transporting the energized fluid conduit (Col. 3, lines 6-8) as

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applied to claim 1 above. With respect to claim 6, the cable terminates in a threaded pipe (2a & b) and the pipes are threaded engaged with pipe couplers (see Fig 2b).

With respect to claim 9, the cable arrestor (Fig 1) further includes an axial pump (34-ie an electrically actuated valve-Col. 3, lines 5-7) wherein the valve (34) has a threaded pipe coupler threaded to receive the sheathing pipe fitting (Fig 2a).

However, Todd doesn't necessarily disclose that the cable is jacketed with a sheath (claims 5-6 and 9). However, it is known practice to have cables that utilize in wellbore areas are jacketed with an outer protective sheath in order to prevent corrosion and damage to the inner conductors.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the cable of Todd to be made with a outer protective sheath, since it is well known in the art of underwater cables that outer sheaths are utilized for protecting the inner conductors of the from external forces and corrosion.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. They are Dwiggins (Pat Num. 5,992,468 & 5,988,286), Kramer et al (Pat Num. 4,483,395), Martin (Pat Num. 5,269,377), Griffith (Pat Num. 5,217,667), McHugh et al (Pat Num. 5,954,136), Bruewer et al (Pat Num. 5,906,242), Bryant et al (Pat Num. 5,490,475), Dinkins (Pat Num. 5,145,007), and Faris et al (Pat Num.

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4,498,046), all of which disclose underwater cables having fluid passages and different cable separators.


Communication

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Mayo III whose telephone number is (703) 306-9061. The examiner can normally be reached on M-F 8:30 a. m.-6:00 p.m.(alternating Friday's off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

WHM III
July 15, 2000


Dean A. Reichard
Primary Examiner